

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

VELORES MILLER,

Plaintiff,

v.

CAROLYN W. COLVIN,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

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CIVIL ACTION NO. 12-14712

DISTRICT JUDGE STEPHEN J. MURPHY, III

MAGISTRATE JUDGE R. STEVEN WHALEN

**REPORT AND RECOMMENDATION**

On October 24, 2012, Plaintiff filed suit in this Court pursuant to 42 U.S.C. §405(g), challenging a final decision of Defendant Commissioner denying her application for Disability Insurance Benefits under Title II of the Social Security Act. Before the Court are the parties' cross-motions for summary judgment which was referred for a Report and Recommendation pursuant to 28 U.S.C. §636(b)(1)(B).

On September 26, 2013, parties file *Joint Motion for Entry of Judgment With Remand* [Docket #26] stipulating to the remand of this case to the administrative level for further proceedings pursuant to the fourth sentence of § 405(g). In accord with the stipulation, I recommend that the joint motion be GRANTED, remanding this case "for further proceedings and for consideration of whether the Plaintiff has an impairment or combination of impairments that meets or medically equals one of the listed impairments in 20 CFR Part 404, Subpart P, Appendix 1 (20 CFR §§

404.1520(d), 404.1525 and 404.1526).” *Docket #26* at 1.

Any objections to this Report and Recommendation must be filed within 14 days of service of a copy hereof as provided for in 28 U.S.C. §636(b)(1) and E.D. Mich. LR 72.1(d)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L.Ed.2d 435 (1985); *Howard v. Secretary of HHS*, 932 F.2d 505 (6<sup>th</sup> Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981). Filing of objections which raise some issues but fail to raise others with specificity will not preserve all the objections a party might have to this Report and Recommendation. *Willis v. Secretary of HHS*, 931 F.2d 390, 401 (6<sup>th</sup> Cir. 1991); *Smith v. Detroit Fed’n of Teachers Local 231*, 829 F.2d 1370, 1373 (6<sup>th</sup> Cir. 1987). Pursuant to E.D. Mich. LR 72.1(d)(2), a copy of any objections is to be served upon this Magistrate Judge.

Within 14 days of service of any objecting party’s timely filed objections, the opposing party may file a response. The response shall be not more than 20 pages in length unless by motion and order such page limit is extended by the court. The response shall address specifically, and in the same order raised, each issue contained within the objections.

Dated: September 27, 2013

s/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on September 27, 2013, electronically and/or by U.S. mail.

s/Michael Williams  
Case Manager for the  
Honorable R. Steven Whalen